IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 346 (SS) OF 2003

Narayan Singh,
S/o late Shri Udai Singh Bhoj,
R/o House No. 205, Prempur Mafi,
Kaulagarh, District – Dehradun. .....Petitioner.

Versus

1. Union of India, Ministry of Defence through Secretary, New Delhi.
2. Indian Military Academy through Its Commandant, Dehradun.
3. C.G.O. Establishment Officer, Indian Military Academy, Dehradun.
4. General Office in Command Army, Head Quarter, New Delhi. .....Respondents.

Dated: 14.08.2006

Hon'ble Rajesh Tandon, J.

Heard Sri I.P. Gairola, Advocate for the petitioner and Standing Counsel for the Central Government.

2. By the present writ petition, the petitioner has prayed for a writ of mandamus commanding and directing the respondents to declare the petitioner as Lower Divisional Clerk w.e.f. August, 2001.

3. Briefly stated, according to the case of the petitioner, he is employed in the control of the respondent no.

2/Indian Military Academy through its Commandant, Dehradun. The grievance of the petitioner is that he is under waiting list and the post for 10% promotional quota was also available and is still available and as such he has claimed for promotion on the post of Lower Divisional Clerk w.e.f. August, 2001 and 12 posts of Lower Divisional Clerk were decided to be filled up by the direct recruitment.

4. The respondents, therefore are directed to consider the claim of the petitioner in accordance with the recruitment rules for the lower Divisional Clerk on a fresh representation to be filed by the petitioner within a period of six weeks from the date of production of the certified copy of this order.

5. Writ petition is disposed of accordingly. No order as to costs.

(Rajesh Tandon, J.)

14.08.2006
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